

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

APRIL PREMO WILLIAMS,

Plaintiff,

v.

STATE OF CALIFORNIA WORKERS
COMPENSATION BOARD and THE
HOME DEPOT,

Defendants.

No. 2:22-cv-00302 KJM AC (PS)

ORDER

Plaintiff, proceeding pro se, filed the above-entitled action. The matter was referred to a United States Magistrate Judge as provided by Local Rule 302(c)(21).

On November 10, 2022, the magistrate judge filed findings and recommendations, which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty-one days. ECF No. 24. Neither party has filed objections to the findings and recommendations.

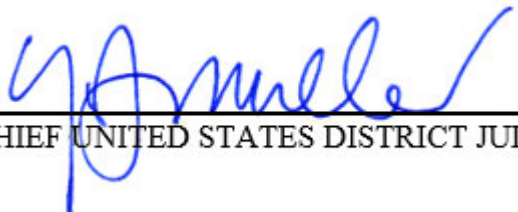
The court presumes any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court . . ."). Having reviewed the file, the court finds the findings and recommendations to be

1 supported by the record and by the proper analysis. Although plaintiff filed a notice of appeal,
2 the notice does not mention what she is appealing in this case. *See* ECF No. 26. Thus, this
3 appeal is frivolous, and the court retains jurisdiction of plaintiff's case under *Chuman v. Wright*,
4 960 F.2d 104, 105 (9th Cir. 1992). *See* 20 Moore's Federal Practice – Civil § 303.32 (2022) (“[a]
5 district judge who concludes that an appeal is clearly frivolous may ignore the notice of appeal
6 and proceed with the case as if the appeal had not been taken. To hold otherwise would enable a
7 party to manipulate the court with dilatory tactics.”).

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. The findings and recommendations filed November 10, 2022, ECF No. 24, are adopted
10 in full;
- 11 2. Home Depot's motion to dismiss, ECF No. 13, is GRANTED;
- 12 3. The complaint, ECF No. 1, is DISMISSED without prejudice for lack of proper
13 service; and
- 14 4. This case is CLOSED.

15 DATED: January 17, 2023.

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18 CHIEF UNITED STATES DISTRICT JUDGE
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